

*Institute***DAKOTA COUNSELING INSTITUTE**

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CARE Supervisor**TO:**Kara Van Bockern**BUSINESS:**SD Public Utilities Commission**FAX NUMBER:**1-866-757-6031**DATE:**5/18/07**SUBJECT:****FROM:**Erica Voss**COMMENTS:**

This cover sheet and following 6 pages are being sent to you for the person named above. If you do not receive all pages clearly, please telephone Erica at (605) 996-9686.

**THANK YOU**



# Public Utilities Commission

## Formal Complaint Form

### Instructions:

1. Review the enclosed *Administrative Rules and the Formal Complaint Process*.
2. Complete the *Complaint Form* including details of the facts. Make sure to include the name of the utility company in the "Respondent section".
3. Include any documentation which may help prove your complaint (such as copies of bills, letters, notes, etc.).
4. Sign the Affirmation Statement, and
5. Send the original form to:

Consumer Affairs  
Public Utilities Commission  
State Capitol Building  
500 E. Capitol  
Pierre SD 57501



You will be notified when your hearing is scheduled. You must attend the hearing in person. At the hearing you will be able to present your case. You may represent yourself or be represented by an attorney. Your case will include your testimony, or testimony of witnesses called on your behalf, presented under oath, and may include documents such as bills or other evidence you may present.

The Public Utilities Commissioners will act as judges to determine the outcome of your complaint.

If you have any questions, you may call  
1-800-432-1752.





## Administrative Rules of South Dakota

### COMPLAINTS

**20:10-01-07.1. Contents of complaint.** A complaint shall be in writing and be filed with the commission. A complaint shall contain:

- (1) The full name and address of each complainant;
- (2) The full name and address of each respondent;
- (3) A full, clear, and reasonably certain statement of facts giving rise to the complaint with reference where practicable to the law, statute, order, or rules of which a violation is claimed;
- (4) The remedy requested by the complainant;
- (5) The signature of the complainant;
- (6) The name and address of the complainant's attorney, if any; and
- (7) An affirmation that the statement of facts are accurate to the best of the complainant's knowledge.

**20:10-01-08.1. Commission action on complaint.** Upon the filing of a complaint, the commission shall attempt to settle the complaint without formal action. If the complaint cannot be properly disposed of informally, the commission shall proceed in accordance with the provisions of § 20:10-01-09. If the commission believes the complaint does not conform to this chapter, it shall so notify the complainant or his attorney, and opportunity shall be given to amend the complaint within a time specified by the commission. If the complaint is not amended within such time, or such extension thereof as the commission for good cause shown may grant, it shall be dismissed.

**20:10-01-09. Service of the complaint.** The commission shall forward to the respondent a statement of the complaint and a notice requiring the respondent to satisfy the complaint or answer it in writing within 20 days from the date of service of the notice or within such further time as may be specified by the commission.

**20:10-01-10. Actions which satisfy complaint.** The respondent shall, within the time fixed by the notice served upon it, satisfy the complaint by making reparation for the injury alleged to have been done, correcting the wrong complained of or answering the complaint by filing the original and one copy of the answer in the office of the commission and serving a copy on each complainant. If a respondent satisfies a complaint before or after answering, a written acknowledgment showing the character and extent of the satisfaction must be filed by the complainant, and a statement of the facts and manner of satisfaction may be filed as an answer. Upon approval of the commission, no further proceedings will be taken.

**20:10-01-15.01. Burden in complaint proceeding.** In a complaint proceeding, the complainant has the burden of going forward with presentation of evidence, unless otherwise ordered by the commission. The complainant has the burden of proof as to factual allegations which form the basis of the complaint, and the respondent has the burden of proof with respect to affirmative defenses.

**20:10-01-22.02. Notice of hearing.** Except as otherwise provided by statute, written notice of hearing shall be served upon all parties and such other persons as the commission directs, at least 10 days prior to the date set for hearing, unless the commission determines a shorter or longer period of notice for good cause. The notice shall contain the contents required by SDCL 1-26-17.

# BOARD OF PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

## COMPLAINT

Complainant (Person filing the complaint)		Respondent (Person or company complained against)	
Name	Erica Voss	Company	Western Public Service
Address	[REDACTED]	Contact Person	
City/State	Wichita, SD 57301	Address	
Work Phone	[REDACTED]	City/State/Zip	
Home Phone	[REDACTED]	Phone	
Cellular Phone	[REDACTED]	Fax	

The Complainant is represented by an attorney, please provide the attorney's name, address, telephone number and fax number below. If Complainant is not represented by an attorney, please leave blank.

These are the facts giving rise to my complaint:

Please see attached sheet

Please complete the reverse side of this document

NOTE: Please attach all relevant correspondence to this complaint. Please do not attach any correspondence that is not relevant to the complaint.



I moved into an apartment last week at 717 S. Sanborn in Mitchell, South Dakota. When I moved in, the power was on in someone else's name and I didn't think I would need it turned on in mine. It was not in my landlord's name either, it was a third party. On Wednesday, May 16<sup>th</sup>, my landlord called to inform me that the person who had the power and the gas in their name decided they did not want it anymore and had it turned off. I just moved into this apartment and did not want to move out, so I attempted to get service turned on in my name. Northwestern Public Service has refused me service going on three days now.

My landlord is Nicholas Antonie. I am aware of the fact that there is a major conflict between Nick and Northwestern Public Service at this time, but I do not see how they can refuse to provide me service because of their conflict with him. The legal department at NWPS is calling it "not economically feasible."

The building that I moved into is a six-unit apartment building with only one electric meter. I understand the fact that I would be paying for the entire building. I have an arrangement with Nick that will end in this bill being paid. As far as I am concerned, this arrangement is no business of NWPS or anyone else for that matter.

Tony Flynn informed me that the reason it was not economically feasible because of the high utility charges that incur in the wintertime, or at least that was the implication. I had informed him in an earlier conversation that if the conflict between Nick and NWPS was not resolved before winter that I would no longer be living in this residence or continuing to maintain utilities there under my name. Therefore, high bills in the winter should not be an issue. He then told me that "it is not in your best interest or ours" to allow me to turn on services at this address. I am somewhat vague as to how the law actually reads, but I do not believe they have the right to assume that I cannot take on this bill. Tony Flynn did inform me in one of our conversations that the bill during the summer runs about \$400, which coincidentally, is pretty close to what I pay for rent. They do not know my income, they do not know my work history, they do not know what resources I have available to me in order to maintain this bill. I have no overdue or unpaid bills with NWPS and have not for some time. Nick also owned by previous residence and when they disconnected his service there because of their conflict, I had it turned on in my name with no problem. It was on in my name for about two weeks, was voluntarily disconnected on my part, and I have not yet received a bill. Northwestern Public Service has no right or reason at this time to assume that I am not capable of taking on this bill.

### RESOLUTION REQUEST

I ask that the Public Utilities Commission grant the following remedy. (What do you think the Commission should do to solve your complaint? Be specific in your request for a resolution.)

First and foremost, I wish to have service  
granted in my name. Secondly, I feel  
that Northwestern Public Service should be  
penalized for this in some way that the  
commission sees fit.

NOTE: Please attach any additional pages, if necessary.

### AFFIRMATION STATEMENT

I hereby affirm that these statements are true and accurate to the best of my knowledge.

Complainant's Signature(s)

Date

5/18/07

